

**Notice of Allowability**

Application No.

09/675,438

Applicant(s)

BURGER ET AL.

Examiner

James A. Reagan

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on 24 May 2005 and the Interview held on 13 July 2005.
2. ☒ The allowed claim(s) is/are 138,140,141,144,146,148,149,152-156,159,160,162,163,168-177 and 180-192.
3. ☒ The drawings filed on 31 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                     | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

**DETAILED ACTION**

**Status of Claims**

1. This action is in response to the RCE filed on 24 May 2005 and the Interview held on 13 July 2005.
2. Claims 138, 140, 141, 144, 146, 148, 149, 152-156, 159, 160, 162, 163, 168, 169-177, and 180-192 have been examined.

**Information Disclosure Statement**

3. The Information Disclosure Statements filed on 26 May 2005, 29 April 2005, and on 14 July 2005 have been considered. Initialed copies of the Form 1449 are enclosed herewith.

**Allowable Subject Matter**

4. Claims 138, 140, 141, 144, 146, 148, 149, 152-156, 159, 160, 162, 163, 168, 169-177, and 180-192 are allowed. See Reasons for Allowance under separate heading.

**EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
6. Authorization for this examiner's amendment was given in a personal interview with Bob Abrahamson on 13 July 2005.

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7. The application has been amended as follows:

Replace claims 138, 146, 153, 160, 168, and 169 in their entirety with the following claims:

138. (Currently amended) A method, comprising steps of:

(A) storing at least first account information for a first media issued by a first media issuer and second account information for a second media issued by a second media issuer in a database in communication with a transfer server so that the first account information and the second account information exist simultaneously in the database;

(B) establishing a communication link via a non-dedicated public communications channel between a controller associated with the database and a portable electronic device distinct and remotely located from the database, and transferring at least the first account information and the second account information from the database to a memory of the portable electronic device via the communication link so that at least the first account information and the second account information are caused to exist simultaneously in the memory of the portable electronic device;

(C) transporting the portable electronic device to a vicinity of a first point-of-sale (POS) terminal;

(D) when the portable electronic device is in the vicinity of the first POS terminal, manipulating a user input of the portable electronic device to select the first media for use in a first transaction at the first POS terminal;

(E1) causing a token attached to the portable electronic device to embody at least a portion of the first account information;

(E2) after performing the step (E1), detaching the token from the portable electronic device, with the token continuing to embody at least the portion of the first account information after the token has been detached from the portable electronic device;

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(E3) after performing the step (E2), and when the token is still detached from the portable electronic device, interfacing the token with the first POS terminal and transferring at least the portion of the first account information from the token to the first POS terminal;

(E4) after performing the step (E3), re-attaching the token to the portable electronic device;

(F) transporting the portable electronic device to a vicinity of a second POS terminal;

(G) when the portable electronic device is in the vicinity of the second POS terminal, manipulating the user input on the portable electronic device to select the second media for use in a second transaction at the second POS terminal;

(H1) causing the token to embody at least a portion of the second account information;

(H2) after performing the step (H1), detaching the token from the portable electronic device, with the token continuing to embody at least the portion of the second account information after the token has been detached from the portable electronic device;

(H3) after performing the step (H2), and when the token is still detached from the portable electronic device, interfacing the token with the second POS terminal and transferring at least the portion of the second account information from the token to the second POS terminal; and

(H4) after performing the step (H3), re-attaching the token to the portable electronic device.

146. (Currently amended) A method, comprising steps of:

(A) storing a first version of information including at least first account information for a first media issued by a first media issuer and second account information for a second media issued by a second media issuer in a memory of a portable electronic device so that at least the first account information and the second account information exist simultaneously in the memory;

(B) storing a second version of information including at least the first account information and the second account information in a database in communication with a transfer server distinct and remotely located from the portable electronic device so that at least the first account information and the second account information exist simultaneously in the database;

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(C) transporting the portable electronic device to a vicinity of a first point-of-sale (POS) terminal;

(D) when the portable electronic device is in the vicinity of the first POS terminal, manipulating a user input on the portable electronic device to select the first media for use in a first transaction at the first POS terminal;

(E1) causing a token attached to the portable electronic device to embody at least a portion of the first account information;

(E2) after performing the step (E1), detaching the token from the portable electronic device, with the token continuing to embody at least the portion of the first account information after the token has been detached from the portable electronic device;

(E3) after performing the step (E2), and when the token is still detached from the portable electronic device, interfacing the token with the first POS terminal and transferring at least the portion of the first account information from the token to the first POS terminal;

(E4) after performing the step (E3), re-attaching the token to the portable electronic device;

(F) transporting the portable electronic device to a vicinity of a second POS terminal;

(G) when the portable electronic device is in the vicinity of the second POS terminal, manipulating the user input on the portable electronic device to select the second media for use in a second transaction at the second POS terminal;

(H1) causing the token to embody at least a portion of the second account information;

(H2) after performing the step (H1), detaching the token from the portable electronic device, with the token continuing to embody at least the portion of the second account information after the token has been detached from the portable electronic device;

(H3) after performing the step (H2), and when the token is still detached from the portable electronic device, interfacing the token with the second POS terminal and transferring at least the portion of the second account information from the token to the second POS terminal;

(H4) after performing the step (H3), re-attaching the token to the portable electronic device;

(I) altering one of the first version of information stored in the memory of the portable electronic device and the second version of information stored in the database; and

(J) establishing a communication link via a non-dedicated public communications channel between a controller associated with the database and the portable electronic device, and communicating commands between the controller associated with the database and the portable electronic device that cause the alteration in the one of the first version of information stored in the memory of the portable electronic device and the second version of information stored in the database to be reflected in the other of the first version of information stored in the memory of the portable electronic device and the second version of information stored in the database.

153. (Currently amended) A system, comprising:

a transferring server comprising a database and a database controller, the database having stored therein so as to be accessible by the database controller at least first account information for a first media issued by a first media issuer and second account information for a second media issued by a second media issuer; and

a portable electronic device, distinct and remotely located from the network server, comprising a device controller, a memory, a user input device, a port, and a token releasably retained in the port, the device controller being configured to establish a communication link with the network server via a non-dedicated public communications channel and to enable a transfer of at least the first account information and the second account information from the database to the memory of the portable electronic device via the communication link, the device controller being further configured to select one of the first media and the second media for use in a transaction at a point-of-sale (POS) terminal in response to manipulation of the user input device, and to cause the token to embody at least a portion of the one of the first account information and the second account information that corresponds to the selected one of the first media and the second media, the token being configured so that, after the token is released

from the port, the token can be interfaced with the POS terminal to transfer the information embodied by the token to the POS terminal.

160. (Currently amended) A system, comprising:

a transferring server comprising a database controller in communication with a database, the database having stored therein a first version of information including at least first account *information* for a first media issued by a first media issuer and second account information for a second media issued by a second media issuer; and

a portable electronic device, distinct and remotely located from the network server, comprising a device controller, a memory, a user input device, a port, and a token releasably retained in the port, the memory having stored therein a second version of information including at least the first account information and the second account information, the device controller being configured to establish a communication link with the network server via a non-dedicated public communications channel and to enable communication of commands between the database controller and the device controller that cause alterations in one of the first version of information stored in the database and the second version of information stored in the memory to be reflected in the other of the first version of information stored in the database and the second version of information stored in the memory, the device controller being further configured to select one of the first media and the second media for use in a transaction at a point-of-sale (POS) terminal in response to manipulation of the user input device, and to cause the token to embody at least a portion of the one of the first account information and the second account information that corresponds to the selected one of the first media and the second media, the token being configured so that, after the token is released from the port, the token can be interfaced with the POS terminal to transfer the information embodied by the token to the POS terminal.

168. (Currently amended) A system, comprising:

a transferring server in communication with a database having stored therein at least first account information for a first media issued by a first media issuer and second account information for a second media issued by a second media issuer;

a portable electronic device, distinct and remotely located from the database, comprising a memory, a port, and a token releasably retained in the port;

means for establishing a communication link via a non-dedicated public communications channel between a controller associated with the database and the portable electronic device, and for transferring at least the first account information and the second account information from the database to the memory of the portable electronic device via the communication link so that at least the first account information and the second account information are caused to exist simultaneously in the memory of the portable electronic device;

means for selecting one of the first media and the second media for use in a transaction at a point-of-sale (POS) terminal;

means for causing the token to embody at least a portion of one of the first account information and the second account information that corresponds to the selected one of the first media and the second media; and

means for releasing the token from the port so that the token can be used to authorize the transaction at the POS terminal.

169. (Currently amended) A system, comprising:

a portable electronic device comprising a memory having stored therein a first version of information including at least first account information for a first media issued by a first media issuer and second account information for a second media issued by a second media issuer,

means for selecting one of the first media and the second media for use in a transaction at a point-of-sale (POS) terminal, a port, a token releasably retained in the port, means for causing the token to embody at least a portion of one of the first account information and the second



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account information that corresponds to the selected one of the first media and the second media, and means for releasing the token from the port so that the token can be used to authorize the transaction at the POS terminal;

a transferring server in communication with a database, distinct and remotely located from the portable electronic device, having stored therein a second version of information including at least the first account information and the second account information; and

means for establishing a communication link via a non-dedicated public communications channel between a controller associated with the database and the portable electronic device, and for causing alterations in one of the first version of information stored in the portable electronic device and the second version of information stored in the database to be reflected in the other of the first version of information stored in the portable electronic device and the second version of information stored in the database.

#### Reasons For Allowance

8. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system component of: *a transferring server in communication with a database having stored therein at least first account information for a first media issued by a first media issuer and second account information for a second media issued by a second media issuer*. More specifically, the prior art of record fails to disclose a portable smart card device capable of storing multiple account personalities and subsequently selecting a singular account personality only after connecting between a controller associated with the database and the portable electronic device distinct and remotely located from the database via a non-dedicated public communications channel. Moreover, none of the art of record, taken individually or combination, disclose at least the method step or system component of *detaching the token from the portable*

*electronic device, with the token continuing to embody at least the portion of the second account information after the token has been detached from the portable electronic device.*

Claims 138, 146, 153, 160, 168, and 169 are distinguished over the closest prior art of Lessin, who in at least column 1, line 1 to column 2, line 10, discloses a smart card and smart card transactions to include authentication, identification, inherent communications between the smart card, POS terminal, and associated server infrastructure, and updating the smart card after routine transactions. As recited in the independent claims, it is clear that the Applicant's invention is distinguished over the Lessin invention in at least the step of communicating with the databases to assert one of a plurality of account personalities onto the electronic device and subsequently detaching the device to interact with a POS terminal. Although Lessin does disclose smart card functionality, Lessin does not disclose detachability in the manner claimed as well as supported in the specification.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Freeman et al. (WO 99/38117 A1) discloses a smart card with a flexible display for displaying various images.
  - Rocket Librarian User guide (29 October 1999), discloses a device for downloading e-books.

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Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

**571-273-8300** [Official communications, After Final communications labeled "Box AF"]

**571-273-8300** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

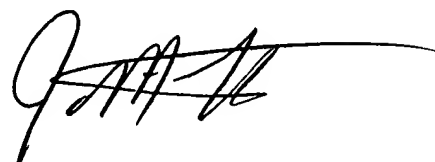
Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAR

19 July 2005

A handwritten signature in black ink, appearing to read 'JAR', with a long horizontal flourish extending to the right.